

REMARKS

Claims 9 and 28 are cancelled. Claims 1-3, 5, 10-12, 16, 23-25, and 30 are amended. Claims 1-8, 10-27, and 29-30 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Claims Rejected Under 35 U.S.C. § 112

Claim 23 stands rejected under 35 U.S.C. § 112 as lacking antecedent basis for the limitation “said untransmitted-frame determiner.” Applicants replace the limitation with “said silence description frame filer” recited in Claim 19 from which Claim 23 depends.

Moreover, Applicants amend Claim 25 to correct a typographical error by replacing the semicolon at the end of Claim 25 with a period. Applicants also amend Claims 2, 3, 5, 10, 12, 16, 25, and 30 to provide appropriate antecedent basis. Approval of the amendment is respectfully requested.

II. Claims Rejected Under 35 U.S.C. § 102

A. Claims 1-18 and 24-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,718,298 issued to Judge (“Judge”). Applicants respectfully traverse the rejection.

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. Among other elements, amended Claim 1 recites a method, comprising:

“counting an untransmitted frame to determine a count of silence frames;
determining a silence description frame that includes the count of silence frames, wherein the silence description frame has a size equivalent to the size of an active frame; and
storing a silence description frame.” (Emphasis added).

Applicants submit that Judge does not teach each of these elements.

Judge describes a “discontinuous transmission” (DTX) mode in the GSM system. In the DTX mode, the transmitter is switched on only for those frames which contain speech or other useful information (col. 2, lines 31-36). In the absence of speech activities, characteristic parameters of the background noise is transmitted to the receiver in a silence descriptor frame (SID) frame (col. 2, lines 49-51). Judge discloses that the first SID frame of a silence period is stored in the memory (col. 4, lines 14-15). Further, the memory also stores data representative of

the duration of the intervening absence of speech, such as a count of speech frames in which speech was absent (col. 4, lines 19-23).

Applicants submit that the claimed silence description frame is not the same as the SID frame disclosed by Judge. The claimed silence description frame is a stored frame format that includes a count of silence frames and has a size equivalent to the size of an active frame. At most, Judge teaches storing the SID frame and the count of silence frames. Judge does not mention, however, that the SID frame and the count of silence frames are stored in the same frame that has a size equivalent to the size of an active frame. Thus, Judge does not teach each of the elements of amended Claim 1.

Analogous discussions apply to independent Claims 11 and 24.

In regard to Claims 2-8, 10, 12-18, 25-27, and 29-30, these claims respectively depend from Claims 1, 11, and 24 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 1, Judge does not anticipate these claims. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claims 1-8, 10-18, 24-27, and 29-30 are requested.

B. Claims 19-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,477,176 issued to Hämäläinen (“Hämäläinen”). Applicants respectfully traverse the rejection.

Among other elements, Claim 19 recites a system comprising:

“a variable-size packet transmitter; and
a silence description frame filer coupled to said variable-size packet transmitter.”

Applicants submit that Hämäläinen at least does not teach the variable-size packet transmitter.

Hämäläinen discloses a transmitter that transmits data frames, speech frames, and SID frames (col. 3, lines 29-67). However, Hämäläinen does not mention whether the sizes of these frame are the same or different. The Examiner has not identified and Applicants have been unable to discern any part of Hämäläinen that discloses the sizes of these frames. Thus, Hämäläinen does not teach each of the elements of Claim 19.

Claims 20-21 depend from Claim 19 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 19, Hämäläinen does not anticipate these dependent claims.

Accordingly, reconsideration and withdrawal of the anticipation rejection of Claims 19-21 are requested.

III. Claims Rejected Under 35 U.S.C. § 103(a)

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hämäläinen. Applicants respectfully traverse the rejection.

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art.

Claim 22 depends from Claim 19 and incorporates the limitations thereof. Thus, for at least the reasons mentioned above in regard to Claim 19, Claims 19 and its dependent Claim 22 are non-obvious over Hämäläinen.

Moreover, Claim 22 modifies the system of Claim 19 to further include “wherein said variable-size packet transmitter comprises a microprocessor to encode a video difference in a fixed-size packet.” The Examiner relies on Hämäläinen for disclosing a microprocessor to encode data in a fixed-size packet, and takes official notice on video being a well-known type of data. Applicants submit that Hämäläinen at most mentions encoding data into different kinds of packets (col. 4, lines 25-35). Hämäläinen does not teach or suggest whether the size of any kind of packet is fixed. Hämäläinen is completely silent on the size of the packets being encoded. Thus, Hämäläinen at least does not teach or suggest the claimed fixed-size packet.

With respect to the official notice taken on that video is a well-known type of data, Applicants submit that it is the “video difference” not the “video” that is being claimed. The Examiner has not identified and Applicants have been unable to discern any part of the cited references or prior art that teaches or suggests a variable-size packet transmitter comprising a microprocessor to encode a video difference in a fixed-size packet. Accordingly, reconsideration and withdrawal of the rejection of Claim 22 are requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: April 25, 2006



Thomas M. Coester, Reg. No. 39,367

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

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Suzanne Johnston

4/25/06

Date